

107TH CONGRESS
2D SESSION

H. R. 5423

To provide for the annual audit of the White County Bridge Commission, for the New Harmony Bridge over the Wabash River, Indiana and Illinois, for the filling of vacancies in the membership thereof, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 19, 2002

Mr. SHIMKUS (for himself, Mr. JOHNSON of Illinois, and Mr. HOSTETTLER) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To provide for the annual audit of the White County Bridge Commission, for the New Harmony Bridge over the Wabash River, Indiana and Illinois, for the filling of vacancies in the membership thereof, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. AUDIT PROCEDURES.**

4 (a) IN GENERAL.—

5 (1) ANNUAL AUDIT REQUIREMENT.—The White
6 County Bridge Commission (created by the Act ap-
7 proved April 12, 1941 (55 Stat. 140) and in this Act

1 referred to as the “Commission”) shall provide for
2 an annual audit of its financial transactions by an
3 independent public accountant of recognized stand-
4 ing in such manner as prescribed by the Governors
5 of the States of Indiana and Illinois and in accord-
6 ance with generally accepted auditing standards.

7 (2) AVAILABILITY OF RECORDS.—The Commis-
8 sion shall make available for purposes of the audit
9 all books, accounts, financial records, reports, files,
10 and all other papers, documents, or property belong-
11 ing to or in use by the Commission.

12 (3) GAO ADVICE.—The General Accounting Of-
13 fice is authorized and directed to make available its
14 advice on any matter pertaining to an audit per-
15 formed pursuant to this section.

16 (b) AUDIT REPORT.—The Commission within 4
17 months following the close of the fiscal year for which the
18 audit is made shall submit a copy of the audit report to
19 the Governors of the States of Indiana and Illinois and
20 to the Secretary of Commerce. The report shall set forth
21 the scope of the audit and shall include a statement of
22 assets and liabilities, capital, and surplus or deficits; a
23 statement of surplus or deficit analysis, a statement of in-
24 come and expense; a statement of sources and application
25 of funds; and such comments and information as may be

1 deemed necessary to keep the Governors and the Secretary
2 informed of the operations and financial condition of the
3 Commission.

4 (c) ADDITIONAL AUDITS.—The Governor of the State
5 of Indiana or Illinois or the Secretary of Commerce is au-
6 thorized to provide for the conduct of further audits of
7 the Commission if the audit report submitted under sub-
8 section (b) is not satisfactory to the Governor or the Sec-
9 retary, as the case may be.

10 (d) COST.—The Commission shall bear all expenses
11 of the annual audit of its financial transactions as re-
12 quired by this section. All expenses of any additional audit
13 required under this section shall be paid by the official
14 or agency requesting such additional audit.

15 **SEC. 2. MEMBERSHIP.**

16 (a) CONTINUATION.—Each person who is a member,
17 on the date of enactment of this Act, of the Commission
18 shall continue in office until the expiration of his or her
19 present term, except as provided in subsection (b).

20 (b) TERMS OF OFFICE.—Notwithstanding any other
21 provision of law, the term of office of each person who
22 is a member of the Commission on the date of enactment
23 of this Act shall expire on the 90th day following such
24 date of enactment. The Secretary of Commerce may there-
25 upon appoint 3 persons as members of the Commission,

1 1 for a term of 2 years, 1 for a term of 4 years, and
2 1 for a term of 6 years. Each person appointed as a mem-
3 ber of the Commission thereafter shall be a resident of
4 White County, Illinois, or Posey County, Indiana, and
5 shall be appointed for a term of 6 years, except that a
6 person appointed to fill a vacancy shall serve only for the
7 unexpired term of his predecessor.

8 (c) BOND.—Each person appointed under this section
9 shall give such bond as may be fixed by the Secretary,
10 conditioned upon the faithful performance of all duties re-
11 quired by this Act. The cost of such bonds shall be deemed
12 an operating expense of the Commission.

13 (d) CHAIRMAN.—The Secretary shall designate the
14 member of the Commission who shall serve as chairman
15 for a term of 2 years and the member who shall serve
16 as vice chairman for a term of 2 years.

17 (e) VACANCIES.—Vacancies in the Commission shall
18 not affect its powers and shall be filled in the same man-
19 ner as the original appointments were made. Incumbent
20 members whose terms have expired shall hold over in of-
21 fice until their successors are appointed and qualified.

22 (f) RULES.—The Commission shall have power to es-
23 tablish rules and regulations for the government of its
24 business.

1 (g) OATH.—Each member appointed under this Act
2 shall qualify within 30 days after appointment by filing
3 with the Secretary of Commerce an oath that he will faith-
4 fully perform the duties imposed upon him by law.

5 (h) REMOVAL FOR CAUSE.—Each member appointed
6 under this Act shall be removable for cause by the Sec-
7 retary of Commerce.

8 (i) LIMITATION ON APPLICABILITY.—This section
9 shall not be applicable to ex officio members or State high-
10 way department members of the Commission.

11 **SEC. 3. ANNUAL REPORT.**

12 (a) SUBMISSION.—The Commission shall submit an
13 annual report covering its operations and fiscal trans-
14 actions during the preceding fiscal year and its financial
15 condition and a statement of all receipts and expenditures
16 during such period to the Governors of the States of Indi-
17 ana and Illinois and to the Secretary of Commerce not
18 later than 4 months following the last day of the fiscal
19 year for which the audit required under section 1 of this
20 Act is made.

21 (b) REVIEW.—The Secretary shall review such an-
22 nual reports and audit reports submitted under section
23 1(b) of this Act and shall make recommendations to Con-
24 gress based upon such review, or take such other action
25 as the Secretary may consider necessary, to effectuate the

1 intent of Congress as established by this Act and by the
2 Act approved April 12, 1941 (55 Stat. 140).

3 **SEC. 4. AUTHORITY TO TRANSFER.**

4 Authority is granted to transfer all functions, powers,
5 duties, responsibilities, authority, assets, liability, obliga-
6 tions, books, records, property, and equipment of the Com-
7 mission, to the highway department or other agency of the
8 States of Indiana and Illinois, or to joint agencies estab-
9 lished by interstate compact or agreement. Such transfer
10 shall be carried out in a manner as may be prescribed or
11 authorized by the laws of the States. Upon such transfer,
12 the Commission shall cease to exist.

13 **SEC. 5. SPECIAL RULES.**

14 (a) **ENFORCEMENT.**—All provisions of the Act ap-
15 proved April 12, 1941 (55 Stat. 144), may be enforced
16 or the violation thereof prevented by mandamus, injunc-
17 tion, or other appropriate remedy by the chief legal officer
18 of either the State of Indiana or Illinois in any court hav-
19 ing competent jurisdiction of the subject matter and of
20 the parties.

21 (b) **NON-FEDERAL EMPLOYEES.**—Members and em-
22 ployees of the Commission shall not be treated as Federal
23 officers and employees.

24 (c) **PAY.**—

1 (1) PER DIEM; TRAVEL EXPENSES.—The mem-
2 bers of the Commission shall each be entitled to a
3 per diem compensation for their services of \$20 for
4 each day actually spent in the business of the Com-
5 mission, but the maximum per diem compensation of
6 the chairman in any 1 year shall not exceed \$3,000
7 and of each other member in any 1 year shall not
8 exceed \$2,000. The members of the Commission
9 shall also be entitled to receive traveling expense al-
10 lowance of the standard mileage rate for each mile
11 actually traveled on the business of the Commission.

12 (2) TREATMENT OF PAYMENTS.—Payments
13 under the provisions of this subsection shall be in
14 lieu of any other payments for salary or expenses
15 authorized for service as a member of the Commis-
16 sion under the provisions of any other Federal law
17 relating to the Commission, but nothing in this sub-
18 section shall affect any other Federal law with re-
19 spect to the funds from which any such payments
20 shall be made.

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